

REMARKS

Claims 54-76 were pending in this application and subject to restriction and election of species requirements.

Claims 65, 66, 68-70, and 73-75 are amended in a non-narrowing manner to make grammatical and typographical corrections and/or to better conform to US practice. Support can be found in the claims as filed.

Claim 65 is amended to include the use of indo salts and/or derivatives as supported by original claims 18 and 19.

New claims 77 and 78 are added. Support can be found in claims 65 and 68, respectively.

Claims 54-78 are pending upon entry of this amendment.

In response to the Restriction Requirement set forth in the Office Action, Applicant hereby provisionally elects, with traverse, the invention of Group IV, claims 65-76, drawn to a pharmaceutical composition comprising indomethacin (i.e., INDO) in combination with another compounds. This corresponds to at least claims 65-72.

In response to the Election of Species Requirement, Applicant hereby elects, with traverse, "metals and corresponding salts and derivatives" as the elected species for examination on the merits. It is respectfully submitted that at least claims 65-70 and 73-76 and new claims 77-78 are readable on the elected species.

The grounds for traverse are as follows.

It is believed that the Official Action fails to satisfy the requirements of PCT Rule § 13.1 and PCT Rule § 13.2. The Office has cited Bourinbaiar et al. as allegedly disclosing the special technical feature of the claims. Applicant respectfully disagrees and submits that the claims share a common special technical feature over the cited reference.

Further, it is noted that claims of the different groups contain related and overlapping subject matter. Thus, a search of one group would necessarily overlap that of another. In view of the above, Applicant believes that all of the claims are sufficiently related so as to warrant a search and examination of all the claims in their full scope.

Thus, it is believed that Applicant is entitled to an action on the merits of all pending claims, in their full scope, in the present application. Favorable action on the merits is respectfully requested.

In the event that the Office maintains the restriction requirement, then kindly consider the possibility of rejoinder of the non-elected invention, upon a determination of allowance of the elected invention, per U.S. rejoinder practice (See M.P.E.P. § 821.04). Also, kindly consider and examine additional species, upon a determination of allowance of the generic claims, in accordance with U.S. election of species practice.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

Jay F. Williams

Jay F. Williams, Reg. No. 48,036
Customer No. 00466
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JFW